

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	S2 13 Cr. 143 (JMF)
	:	
JESUS MENA,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----X		

JESSE M. FURMAN, United States District Judge:

On March 13, 2014, Defendant Jesus Mena filed a motion seeking a bill of particulars and other discovery-related relief. (Docket No. 138). As a threshold matter, there is a strong argument that the motion fails to comply with Local Criminal Rule 16.1, which requires counsel to “confer[] with counsel for the opposing party” before filing a motion “addressed to a bill of particulars or any discovery matter,” as counsel avers only that he “sent the Government a Discovery letter” and the Government did not reply. (Touger Aff. dated Mar. 13, 2014 (Docket No. 138) ¶ 3). But the Court need not address that question, as the motion for a bill of particulars fails on the merits substantially for the reasons set forth in the Court’s Memorandum Opinion and Order dated March 12, 2014 denying co-defendant Paul Edmund Brown’s motion for the same relief. (Docket No. 137). Much of the other relief sought by Mena is either beyond the scope of the Government’s discovery obligations (*e.g.*, information and materials relating to the grand jury proceedings in this case and press releases issued by the United States Attorney’s Office) or premature (*e.g.*, 3500 material and impeachment material).

Whether there is any merit to the rest of the motion turns on whether the Government has complied with its disclosure obligations, including its obligations under Rule 16 of the Federal

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Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963). Accordingly, the Government is directed to file a statement, either in the form of a letter, a declaration, or an affidavit, with respect to its compliance with its disclosure obligations to Mena **no later than March 21, 2014**. Unless and until the Court orders otherwise, the Government need not respond to Mena's motion beyond filing the aforementioned statement.

SO ORDERED.

Dated: March 18, 2014
New York, New York



JESSE M. FURMAN
United States District Judge